

## FESHM 1060: FERMILAB ES&H CONCERNS PROGRAM

### Revision History

Author	Description of Change	Revision No. & Date
Timothy M. Miller	Five-year review and update. Completely rewritten to eliminate redundancy and include key content from DOE source documents. Added WDRS and DOE concern reporting processes.	Revision March 2011

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## FERMILAB EMPLOYEE CONCERNS PROGRAM

### 1.0 INTRODUCTION

Fermilab employees, subcontractor employees, and experimenters have the right and responsibility to report concerns relating to the environment, safety, health, or management of Laboratory operations. Most of the time employee concerns can be effectively managed through routine issue management processes. In cases where this is impractical, Fermilab provides alternative methods to help assure that problems are resolved promptly and effectively, and without concern of reprisal for employees.

### 2.0 DEFINITIONS

Employee Concern - A good faith expression by an employee that a Fermilab policy or practice should be improved, modified, or terminated. Concerns can pertain to issues such as ES&H, management practices, fraud, waste, or reprisal for raising a concern.

### 3.0 RESPONSIBILITIES

#### 3.1 Managers and supervisors

Managers and supervisors are responsible for establishing open communications to enable employees to raise concerns and to address the concerns of employees under their supervision in a manner that protects the health and safety of employees and the public and ensures the efficient operation of the Laboratory. This responsibility must be carried out in a manner that fosters the free flow of information without employees being subjected to reprisal for raising concerns.

#### 3.2 Employees

Employees are responsible for reporting conditions that adversely affect the quality or safety of Laboratory operations and for identifying and preventing harassment and intimidation of coworkers.

### 4.0 PROGRAM DESCRIPTION

Fermilab's employee concerns program is intended to accomplish the following:

- Encourage open communication;



- Inform employees of the proper forum for consideration of their concerns;
- Ensure employees can raise issues without fearing reprisal;
- Address employee concerns in a timely manner; and
- Provide employees an avenue for consideration of concerns.

Fermilab management is committed to the willing acceptance of all concerns and suggestions and to addressing them promptly and correctly. Fermilab management would prefer to find out about a problem when it is first discovered and have an opportunity to deal with it rather than wait and be surprised by a potentially larger problem when it comes to light at a later date. All Fermilab employees, subcontractors employees, and experimenters are encouraged and expected to freely express their concerns to management, whether safety-related or not, without fear of reprisal. Harassment, intimidation, retribution, or discrimination will not be tolerated.

Employees are encouraged to first seek to resolve their concerns with their first-line supervisors or through other established issue resolution systems. In addition, members of bargaining units should consult with their union stewards. If these systems are unavailable or unknown, or they are not able to deal effectively with an issue, the employee concerns program provides alternative processes for evaluation and resolution.

Situations exist in which employees may be afraid to contribute information for fear of reprisal or intimidation. In these instances, the employee concerns program provides mechanisms for ensuring identities will not be disclosed. The trade-off with anonymous concerns is that it is difficult to provide feedback regarding actions taken. It is up to the employee to decide whether anonymity or knowledge of follow up is more important.

## 5.0 PROCEDURES

### 5.1 Routine issue resolution processes

Employees are encouraged to first try resolving their concerns through their line supervision or other established issue resolution processes. Your supervisor should be your first stop since this individual has primary responsibility for helping you deal safely and effectively with your work. In some circumstances it may be appropriate to take your concern “up the management chain.” Another common approach is to bring concerns to an appropriate technical support person. For example, ES&H issues to the Senior Safety Officer or financial issues to the budget representative. For additional information regarding ES&H roles and responsibilities see Fermilab ES&H Manual [Chapter 1030](#) - ES&H Organization and Responsibilities.

### 5.2 Non-routine issue resolution processes

In some cases the standard approach in 5.1 may not be useful for a number of reasons, to include:



- Lack of awareness about routine issue resolution processes.
- The people who are supposed to help are the source of the problem.
- Routine processes are ineffective.
- Fear of embarrassment or reprisal.

In these instances, employees have a number of alternative reporting mechanisms to choose from. The characteristics of these reporting mechanisms vary depending on the nature of issue addressed, the managing organization, and the degree of identity protection. You should select the approach that you believe is most appropriate to your situation.

#### **5.2.1. Safety Concern**

Managed by Computing Division

Intended primarily for ES&H

Identification required

[http://computing.fnal.gov/xms/Services/Service\\_Desk](http://computing.fnal.gov/xms/Services/Service_Desk)

Use this link only if you are willing to identify yourself. This is the preferred approach for ES&H issues. The investigator will be able to contact the submitter, which will allow for complete understanding of the issue. This method also creates a tracking mechanism to assure results are reported back to the submitter. Note that you need a [services account](#) in order to use this application.

#### **5.2.2. ES&H Suggestion Box**

Managed by the ES&H Section

Intended primarily for ES&H

Identification optional

<http://www-esh.fnal.gov/pls/default/Suggestions.html>

Use this link if you do not wish to identify yourself or do not know how to direct your concern.

These concerns go directly to the ES&H Section Head, who assures concerns are followed up.

#### **5.2.3. Action Line**

Managed by the Workforce Development and Resources Section

Intended primarily for waste, fraud, abuse, stolen property, harassment and discrimination

Identification optional

<http://wdrs.fnal.gov/policies/policy/actionline.html>

The Fermilab Action Line is an important component of Fermilab's efforts to protect and care for people and U.S. Government property. Employees and Users are encouraged to place calls to the Action Line when they are aware of stolen property, waste, fraud, or



abuse; either by providing their names or remaining anonymous. They may also use the Action Line to report concerns about harassment or discrimination anonymously. These calls are kept in strict confidence. The number for the Fermilab Action Line is 840-4000. Date policy last updated: June 2005

#### **5.2.4. Internal Complaint Procedures (Administrative Grievance)**

Managed by the Workforce Development and Resources Section

Intended for formal employment interactions

Identification required

<http://wdrs.fnal.gov/policies/policy/internalcomplaint.html>

This policy applies to any matter of concern or dissatisfaction subject to the control of Fermilab/FRA management, including any allegation of coercion, reprisal, or retaliation. Actions not covered by the Fermilab internal complaint policy are (1) the content of published Fermilab/FRA procedures and policy, (2) termination or expiration of a time-limited appointment (term or temporary), and (3) performance goals and job responsibilities.

#### **5.2.5. DOE/Chicago Operations Employee concerns**

Managed by the Department of Energy

Intended for safety and efficient use of government resources

Identification required, but will not be revealed to Fermilab

[http://diversity.doe.gov/civil\\_rights/employee\\_concerns.htm](http://diversity.doe.gov/civil_rights/employee_concerns.htm)

Sara Brunson

EEO Diversity Programs Manager

U.S. Department of Energy

Chicago Operations Office

9800 South Cass Avenue

Argonne, Illinois 60439

Sara.Brunson@ch.doe.gov

(630) 252-2321

(630) 252-2315 FAX

#### **5.2.6. DOE/Whistle Blower Protection**

Managed by the Department of Energy

Intended for ES&H, waste, fraud and abuse by management

Identification required, but will not be revealed to Fermilab

<http://wdrs.fnal.gov/policies/policy/whistleblower.html>

Fermilab's employees and subcontractor employees should report concerns regarding issues pertaining to environment, safety, health, waste, fraud, or abuse to their



supervisors. If an employee or subcontractor thinks resolution is not possible, fears reprisal, or requests confidentiality, he/she may contact the DOE Employee Concerns Program Manager at the following address:

U.S. Department of Energy  
Chicago Operations Office  
9800 South Cass Avenue  
Argonne, IL 60439

Fermilab's employees and subcontractor employees may complain directly to DOE if they believe that they have been retaliated against in some fashion by their employer for reporting ES&H concerns, substantial violations of law, or incidents of gross mismanagement to DOE, state and federal regulators, Congress, or the prime contractor. Date policy last updated: June 2005

## 6.0 REFERENCES

10 CFR 708 – DOE's Whistleblower Protection Program

[http://www.access.gpo.gov/nara/cfr/waisidx\\_08/10cfr708\\_08.html](http://www.access.gpo.gov/nara/cfr/waisidx_08/10cfr708_08.html)

Protects workers from employer retaliation for disclosing information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities.

DOE Order O 442.1A – Employee concerns program.

<https://www.directives.doe.gov/directives/current-directives/442.1-BOrder-A/>

Establishes a program that encourages the prompt identification, reporting, and resolution of employee concerns regarding DOE facilities or operations in a manner that provides the highest degree of safe operations.